

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

SABEIN BURGESS,

*

Plaintiff

*

v.

*

Civil Action No.: RDB-15-00834

OFFICERS OF THE BALTIMORE
POLICE DEPARTMENT,

*

*

Defendants.

*

* * * * *

DEFENDANTS' ADDITIONAL PROPOSED JURY INSTRUCTION

Defendants, Gerald Alan Goldstein and Steven Lehmann (the "Defendants"), by and through their attorneys, requests the Court to charge the jury with the attached Additional Jury Instruction at the close of all evidence in this case.

Description of the Case

Mr. Burgess was tried and convicted for the murder of his girlfriend, Michelle Dyson. After new evidence surfaced, Mr. Burgess was released from prison. Mr. Burgess's position in this case is that the actions of the Defendants caused him to be convicted of and incarcerated for that murder. Defendants maintain that Mr. Burgess was properly investigated and that they did nothing wrong.

CLAIMS NOT TO BE CONSIDERED

Certain claims have been determined as a matter of law not to be a part of this case. Therefore, while you may consider the following issues for the purposes of determining whether the Defendant(s) acted in bad faith, you may not find either Defendant liable based solely on the following issues:

- (1) Whether the Defendant(s) at any time withheld exculpatory information relating to Howard Rice;
- (2) Whether the Defendant(s) at any time withheld exculpatory information relating to Charles Dorsey;
- (3) Whether the Defendant(s) at any time withheld exculpatory information relating to an interview conducted by Robert Patton of Raymond Handy;
- (4) Whether the Defendant(s) at any time withheld exculpatory information relating to an arrest of a juvenile outside of 2703 Barclay on October 5, 1994;
- (5) Whether the Defendant(s) withheld any exculpatory information postdating Mr. Burgess's criminal trial in June, 1995; and
- (6) Whether the Defendant(s) fabricated any evidence relating to GSR testing.

Respectfully submitted,

/s/

Neil E. Duke, Bar No. 14073
nduke@bakerdonelson.com
Kelly M. Preteroti, Bar No. 28231
kmpreteroti@bakerdonelson.com
Christopher C. Dahl, Bar No. 29649
cdahl@bakerdonelson.com
Thomas H. Barnard, Bar No. 27488
tbarnard@bakerdonelson.com
Elizabeth J. Cappiello, Bar No. 29185
ecappiello@bakerdonelson.com
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
100 Light Street
Baltimore, Maryland 21202
(410) 685-1120
(443) 263-7598 – Fax

*Counsel for Defendants, Gerald Alan
Goldstein and Steven Lehmann*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November, 2017, a copy of the foregoing Defendants' Additional Proposed Jury Instruction was served on all counsel of record via the Court's CM/ECF filing system.

/s/

Christopher C. Dahl